

ADDENDUM 3

TO: POTENTIAL RESPONDENTS

DATE: March 24, 2015

SOLICITATION NO.: 452-5-0372

SUBJECT: Answers to Questions Received

Q1 Will the State provide a call-in number for the March 26 pre-bid conference?

A1. **Yes. The number to dial is 512-463-2727. The access code is 147852.**

Q2 When will the State respond to vendor questions?

A2. **It cannot be accurately predicted. There may be a lot of questions on only a few. We try to publish those within two working days.**

Q3. Can the State provide annual written examination volumes by test center location (or candidate ZIP code)?

A3. **Yes**

Q4. Can the State provide annual practical examination volumes by test center location (or candidate ZIP code)?

A4. **Yes**

Q5. Does TDLR own the rights to examination content, which will be provided to the successful bidder in order to publish in the vendor's delivery software?

A5. **Yes**

Q6. If so, please specify (by category and exam name) for which exams the successful vendor will receive content.

A6. **As shown in Attachment F.**

Q7. Does TDLR own the rights to its practical examination content?

A7. **Yes**

Q8. If so, please specify (by category and exam name) for which exams the successful vendor will receive content.

A8. **As shown in Attachment F.**

Q9. (Attachment B) Will the State omit the requirement to provide social security numbers and middle names for vendor personnel and subcontractors? We are very concerned about the privacy of the individuals included in the proposal and identity theft.

A9. **No. We will not remove it from the RFP.**

Q10. In lieu of the Program Manager's home phone number, may we provide his or her work mobile number?

A 10. **Yes**

Q11. Is there an expectation that practical exams will be given in languages other than English?

A11. **Yes**

Q12. Do on-site score reports for practical exams require photos?

A12. **Yes**

Q13. (2.1.1) Would TDLR prefer a job/task analysis using a focus group method or a full survey development method?

A13. **The RFP says at a minimum job/ task analysis. If the vendor wants to do a full survey, that would be fine as well.**

Q14. (2.1.7) Please provide historical volumes for accommodations.

A14. **We have around 50 per month.**

Q15. (2.17) What types of accommodations are provided?

A15. **Various types including all those which fall under the ADA act.**

Q16. Will the accommodations be TDLR-approved or vendor-approved?

A16. **Both**

Q17. (2.2.1) "There may be examination types where the applicant may apply directly to the Vendor..." For which examinations. Will the vendor determine eligibility?

A17. **At this time, none.**

Q18. (2.2.1) What will eligibility determination entail?

A18. **It will be determined by the vendor and the department.**

Q19. Will the State pass candidate information to the vendor?

A19. **Yes**

Q20. (2.2.6) "Option to have translated" What is the historical volume on translated exams (outside of the Spanish and Vietnamese requirements)? We assume the vendor may provide a translator at the candidate's expense to meet this requirement – is that correct?

A20. **Yes, there are about 10 per year.**

Q21. (2.2.6) "Scores shall be sent to the Department electronically in a batch once a day. The format of and procedures used in the daily electronic batch shall be defined by the Department." Can the State provide the format, or accept a mutually agreeable format?

A21. **There will be a mutually agreeable format.**

Q22. “Vendor must also have the ability to print a temporary license on site...including the license number...” – is the license number provided by the State or is the vendor expected to generate it?

A22. **The department will provide the license number.**

Q23. If the vendor must generate it, what are the rules for generating license numbers?

A23. **See answer 22 above.**

Q24. (2.2.7) Please provide the historical volume of exams for which a reader has been needed.

A24. **25 per month**

Q25. (2.4) Does the State require printed study materials or will downloadable PDFs suffice?

A25. **Both. If the candidate does not have access to the Internet, the vendor must provide them a copy.**

Q26. (2.11) “Optional proposal for placing photo on a credit card sized license and printing it at the exam site for new applicants and existing licensees. Licenses shall contain bar code of license number.” For which boards would the vendor be issuing licenses?

A26. **The goal is for all license types. This process is not yet implemented.**

Q27. Would the cards need to be plastic or would card stock suffice?

A27. **The existing license cards are plastic.**

Q28. (2.3.2) “Vendor shall also capture the applicant’s signature electronically each time the applicant sits for an examination; the signatures shall also be accessible electronically by the Department on a daily basis.” This could be a potential data privacy risk. Has the State considered the risks of having access to candidate electronic signatures, and would the State consider removing this requirement from the RFP?

A28. **No. We will not remove it from the RFP.**

Q29. (2.3.5) “Vendor shall electronically scan required applicant identification documents and retain the images for a period of at least one year from the date of the examination. These images must be viewable and downloadable by the Department from the vendors’ secure website. This could be a potential data privacy risk. Has the State considered the risk of having access to images of candidate identification documents, and would the State consider removing this requirement from the RFP?

A29. **No. We will not remove it from the RFP.**

Q30. (HUB) Are exam translators/translation companies considered to be subcontractors?

A30. **No**

Q31. (Test center materials) Can the State confirm if any exams are open-book? If so, are there reference or any other hard-copy materials required to be stored at the test centers and provided to candidates for use during their exam, or are candidates be able to bring in reference materials to the exam?

A31. **We have open books. Candidates are required to bring their own reference materials.**

Q32. Currently, there are separate Examination Candidate Information Bulletins (CIBs) for each specific exam under the cosmetology and barber occupations. Would the State be open to one CIB for each occupation that includes all information? In other words, would one cosmetology CIB and one barber CIB suffice? Or, are separate CIBs for each exam required?

A32. **We are open to this idea.**

Q33. (Intellectual property) In performance of the services under any resulting contract, contractors will utilize significant existing proprietary computer programs, source code, materials, test items, tests and intellectual property that have been previously developed by the contractor or its 3rd party licensor (“Contractor Intellectual Property”), some of which may be trade secret, copyright, patent and trademark protected. We presume the State understands contractor or its

licensors will retain all intellectual property rights to Contractor Intellectual Property including derivative or customized works; is our presumption correct?

A33. **Yes**

Q34. Do we create the content for these (practical) exams?

A34. **Please refer to Exam Development RFP Section 2.1**

Q35. How do these (practical) exams need to be administered?

A35. **Vendors may describe their approach to this aspect as part of their response to the RFP.**

Q36. Is paper/pencil bubble sheet with fax-back scoring an option?

A36. **No**

Q37. Is some type of CBT/electronic entry by proctor an option?

A37. **No**

Q38. Who are the examiners for these exams?

A38. **Industry licensed individuals**

Q39. How are the examiners scheduled?

A39. **Vendor's responsibility**

Q40. Do we need to account for how the actors (i.e. person having hair cut) are located and scheduled?

A40. **See A 35 above.**

Q41. If yes, how is this done?

A41. **See A 35 above.**

Q42. At how many locations are these delivered?

A42. See A 35 above.

Q43. What types of locations are these?

A43. See A 35 above.

Q44. Are they different locations then MC exams?

A44. Based on the question as written, there is not enough information to provide an answer.

Q45. Is Internet and WiFi access available?

A45. See A 35 above.

Q46. Are they permanent locations or does practical examiner travel to various locations?

A46. See A 35 above.

Q47. What is the ratio of examiners to candidates at one time?

A47. See A 35 above.

Q48. Does the examiner need to record results for multiple candidates at the same time?

A48. See A 35 above.

Q49. How many examiners need to score each candidate?

A49. See A 35 above.

Q50. How often are these exams delivered?

A50. See A 35 above.

Q51. How are times for these exams determined (given that some are very low demand, e.g., <5 per year).

A51. See A 35 above.

Q52. (p. 3, 1.5.) *"Vendors may include a separate amount in their proposal for additional languages."* In what format should vendors submit any optional fee(s)? Should this be a per-candidate fee or a lump sum billable to TDLR?

A52. The fee should be per candidate.

Q53. (p. 3, 1.9.) *"For each stated examination service listed in this RFP, Vendors may also submit multiple options giving the Department alternate choices for the resulting contract. Each alternate option shall state the associated costs."* Where should vendors submit these optional fees? Should we add lines to Attachment C, or create multiple versions of Attachment C as necessary?

A53. You can add a new row for alternative cost.

Q54. (p. 5, 2.2.1.) *"There may be examination types where the applicant may apply directly to the Vendor instead of establishing eligibility first with the Department."* For which examinations may the vendor be responsible for application processing and determining the eligibility of candidates? In what format should vendors propose a fee for this service, if applicable?

A54. At, this time all Applicants will not be able to directly establish eligibility for the department's current examinations. If an additional fee is required then the proposal shall reflect the cost per candidate.

Q55. (p. 6, 2.2.6.) *"For an examination not available in a foreign language, Vendor shall provide to the candidate the option to have the examination translated in the language desired."* Please clarify this requirement. Will the Vendor only be required to translate a requested exam into one of the two foreign languages required by the RFP (Spanish and Vietnamese)? May vendors use an interpreter to translate the examination for the candidate during the test session?

A55. Interpreters will only be allowed if it is requested as an ADA Act accommodation. The vendor will be provide the translation but it will be at the cost of the candidate.

Q56. (p.6, 2.2.7.) *"Vendor shall provide the ability to have all items spoken (via earphones). Applicants shall be allowed to "click" on an icon on the test screen and have the item read an unlimited number of times. As an alternative to this requirement, a Vendor may provide a person to read the examination to the applicant at no additional cost. Readers are not allowed to be*

related to or otherwise acquainted with the applicant." Does this requirement apply to all candidates, or only to those requesting special accommodations, ADA-required or otherwise?

A56. **It applies to all candidates.**

Q57. (p.6, 2.2.8.) *"Price quotations must identify, if any, costs associated with collection of examination fees."* Should vendors identify the transaction fees required to process credit card payments?

A57. **Yes**

Q58. (p. 8, 2.10 and 2.11) Should vendors provide both a technical description and pricing for each optional proposal requested here, or is pricing only required for 2.11.2? If pricing is required for each optional proposal, please describe the desired format.

A58. **Yes. Per 2.10 and 2.11, information should be answered separately.**

Q 59. (p. 10, 4.4.) *"Proposals shall be placed in a separate envelope/package and correctly identified with RFP number, submittal deadline/opening date and time."* Please confirm that "separate envelope/package" does not mean that vendors should place each copy of their proposal in an individual envelope. We assume that this only refers to a sealed envelope or package to ensure that different vendors' proposals remain separate.

A59. **Responses may be shipped as a group in a sealed envelope, box, or package. They do not have to be individually sealed.**

Q60. (p. 14-15, 8.4.) If vendors utilize subcontractors that provide supplies, but not services, is it necessary to provide the information required for subcontractors in this section (resumes, references, etc.)?

A60. **No**

Q61. (Attachment A, p. 4, 8.) *Vendor and Proposed Subcontractor(s) Project Personnel and Organizational Information.* Please clarify the requirement for "a representative list of client references." Should vendors select one or more clients as references for each individual staff member listed in the proposal and list them with that staff member's qualifications?

A61. **It is at the discretion of the vendor.**

Q62. Attachment A, p.4, 8. *Vendor and Proposed Subcontractor(s) Project Personnel and Organizational Information.* Is it necessary to include personnel social security numbers and middle names for vendor personnel and subcontractors? In the previous RFP for these services, these requirements were deleted due to concerns regarding privacy and identity theft. Will TDLR likewise delete this requirement in the new RFP?

A62. Attachment A does not require this information.

Q63. Attachment B and Attachment F. Please confirm that vendors' proposals are not meant to be organized in the order shown in Attachment F, and that we should instead follow the format and order required by Attachment B.

A63. Follow the format of Attachment B.

Q64. (Attachment B, p. 2, 4. Vendor Information) The State requires that vendors submit recent financial statements. Our company is a privately held firm, and therefore, our financial statements are not public information. In the recent past, when we have submitted these documents with a proposal and claimed them as confidential information that should be withheld from public disclosure, the Texas Attorney General has ruled against our arguments and released them to the requestors. If such confidential information is required by the Department to reach a decision, please provide assurances that it will be kept confidential if it is marked so. If it will not be kept confidential, we feel that the State should cease to require such sensitive information with proposals.

A64. Please see RFP Section 4.14

Ben Delamater, CTPM, Purchaser
Texas Department of Licensing & Regulation
(512) 463- 4064

**IN THE SUBMISSION OF BIDS, OFFERS, OR PROPOSALS, THE VENDOR/
CONTRACTOR SHOULD ACKNOWLEDGE RECEIPT OF THIS ADDENDUM AND,
INCORPORATE ITS CONTENT.**

**SIGNED: _____
BIDDER/ OFFERER/ PROPOSER**

COMPANY NAME: _____